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## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this correspondence, on the date shown below, being deposited with the U.S. Postal Service to Addressee" under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Richard B. Klar

Date: August 14, 2008

## RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop: PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Andrea Smith  
Petitions Examiner  
Office of Petitions

Adjustment date: 08/19/2008 WASFAW2  
02/22/2008 EFILED12 00000019 10725184 Re:  
01 FC:1506 -20.00 OP

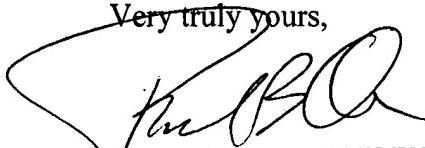
GLITTER MARKER  
S/N: 10/725,184  
Filing Date: 11/29/2003  
Inventor: Kevin Martzloff

Dear Ms. Smith:

Referring to your letter mailed August 5, 2008, enclosed is our check in the amount of \$20.00 for reconsideration of the decision re the above application.

Adjustment date: 08/19/2008 WASFAW2  
12/26/2007 SSAMDA1 00000015 10725184  
03 FC:1506 -1400.00 OP

Very truly yours,

  
Richard B. Klar 08/19/2008 WASFAW2 00000107 10725184

01 FC:1501

1440.00 OP

RBK: mc 40 min. 10/19/08

Encl.



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LAW OFFICE OF RICHARD B. KLAR  
145 WILLIS AVENUE  
MINEOLA, NY 11501

COPY MAILED

AUG 05 2008

In re Application of :  
Kevin Martzloff :  
Application No. 10/725,184 :  
Filed: November 29, 2003 :  
Attorney Docket No. 82RK0023U :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on December 21, 2007 and supplemented on February 21, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice of Allowance and Fee(s) Due mailed August 29, 2007. A Notice of Abandonment was mailed on January 4, 2008.

The petition is dismissed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (1).

The Office acknowledges receipt of \$1,540 for treatment of the instant petition, \$300 for payment of the publication fee and \$1,420 for partial payment of the issue fee. However, effective September 30, 2007 the large entity issue fee is listed as \$1,440. Therefore, revival of the above application cannot occur until the fee deficiency of \$20 has been submitted.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 35 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail:            Mail Stop PETITION  
                          Commissioner for Patents  
                          P. O. Box 1450  
                          Alexandria, VA 22313-1450

By hand:            U. S. Patent and Trademark Office  
                          Customer Service Window, Mail Stop Petitions  
                          Randolph Building  
                          401 Dulany Street  
                          Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions